

EXHIBIT “M”

**Village of Chester
Board of Trustees Meeting
May 14, 2012**

The Board of Trustees of the Village of Chester held their monthly business meeting in the Village Hall meeting room on Monday, May 14, 2012. Members present: Mayor Philip Valastro, Deputy Mayor Philip Roggia, Trustee John J. Collins, Trustee Carole Duffy and Trustee Betty-Jo Bono. Also present: Village Attorney Ian Schlanger, Village Treasurer Angela O'Neill, Police Chief Peter Graziano, Village Water Treatment Operator Thomas Becker and Village Code Enforcement Officer John Orr. Street Superintendent John T. Bell and was not present. In audience were Gordon Shehab, Nikki Mayer, Virginia Privitar, Joseph Battiato, Phyllis Battiato, and Maurice Scandurra.

Mayor Philip Valastro opened the meeting at 7:00 PM with the Pledge of Allegiance.

AUDIT OF BILLS: Mayor Philip Valastro noted audit of monthly bills for approval was complete. Audit Report is attached.

APPROVAL OF MINUTES: A motion to accept the Village monthly business minutes of May 14, 2012 was made by Trustee Betty-Jo Bono, second by Trustee John J. Collins. Motion unanimously passed.

TREASURER'S REPORT: Treasurer Angela O'Neill read report as follows:

CASH BALANCES ENDING April 30, 2012

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>(Disbursements)</u>	<u>Interest</u>	<u>Ending Balance</u>
<u>General Fund</u>				
Checking	378862.08	26169.79	27.41	165,758.23
Savings	9947.97	191512.33	526.72	2523288.34
<u>Water Fund</u>				
Checking	26,243.71	77,678.69	43.58	221463.69
Capital MM	--	--	2.76	34,149.51
Capital Checking	--	--	1.10	13,674.90
<u>Sewer Fund</u>				
Checking	30,991.02	202.50	78.68	491,209.28
MM Saving	--	--	2.25	27,967.40

Cumulative Fiscal Year Interest Earned by Fund 06/01/2011 – 05/31/2012

General Fund	8,550.24
Water Fund	92.48
Sewer Fund	829.50

Treasurer's Discussion:

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- (1) **EXPENSE CONTROL REPORT:** Year to Date Expense Control Report for all funds is attached for your review. If you have any specific questions related to this document, please feel free to discuss with me.
- (2) **REVENUE CONTROL REPORT:** Year to Date Income Control Report for all funds is attached for your review. If you have any specific questions related to this document, please feel free to discuss with me.
- (3) **ON-LINE BILL PAY:** Munitrax is currently working with our tax, sewer and water bill files to program the online bill pay feature to our website. At this point in time, I suspect that the feature will be available on or about 6/15/12.
- (4) **BUDGET MODIFICATIONS:** A Budget Modification Worksheet (attached) is being presented. At this time, I ask the Board to approve the transfers required to address the accounts that are over budget through 5/10/12.
- (5) **CAPITAL PROJECTS FUNDS TRANSFER:** Treasurer asks permission to make the transfers on June 1, 2012 for capital projects per adopted budget. Schedule Attached.

(6) 2012-2013 TAX COLLECTION NOTICE: A Tax Collection Notice (attached) has been prepared and will be published in the Times Herald Record for (2) consecutive Sundays on 5/20/12 and 5/27/12.

A motion to approve Village Treasurer's report was made by Deputy Mayor Philip Roggia, second by Trustee Betty-Jo Bono. Motion unanimously passed.

BUILDING REPORT: Building Inspector/Code Enforcement Officer John read report as follows:

Current projects that were inspected during the last month:

Satin Fine Foods

- 1- A few minor items to finish before CO is issued.

Steris – 23 Elizabeth Drive

- 1- Work continues.

All Pets Veterinary - Renovation

- 1- Work under way.

C&S - Renovation

- 1- Work continues.

Farrow – 55 Main Street

- 1- No work has started yet.

Conklin – 47 Greycourt Ave

- 1- Front Deck almost complete.

Tsrtaglione - 69 Brookside Ave

- 1- Issued permit for renovation and creation of "Sports Bar".

Rushing Duck – 1 Battiato Ln

- 1- Issued permit for the renovation and creation of "Micro Brew".

POLICE REPORT: Police Chief Peter Graziano was present and read his report as follows:

1. Personnel:

- No issues.

2. Citizen Issues:

- Met with Sgt. Little, NYSP and Mr. Honig of the New York Triathlon relative to an event scheduled for 25 August 2012. The route takes participants through the intersection of Kings Hwy and SR17M t Lehigh Av. Mr. Honig was requesting traffic control at the intersection. Mr. Honig was also advised that he would need to come before the board and make a formal request. Mr. Honig requested to be added to the 11 June agenda.

3. Public Safety Issues:

- Traffic Details: Continuing.
- Community-Policing Surveys: We have completed handing out the Community surveys last Saturday. We thank the Police and civilian volunteers for their help.

4. Facilities:

- No issues.

5. Equipment:

- No issues.

6. Vehicles:

- No issues

7. Department Activity:

Call Type	2012
Calls for Service	1626
Criminal Cases	256
Arrests	120
Traffic Accidents	039

HIGHWAY REPORT: Street Superintendent J. Thomas Bell was not present; no report was submitted.

WATER REPORT: Water Treatment Operator Thomas Becker was present and read his report as follows:

1=Daily filtration plant and well # 12 routine.

2= At the filtration plant Ron and Lance from the Pall Corp. were at the plant to review the problems we are having with Skid B.

We went over all of the set points and a CIP backwash was done twice to Skid B and once to Skid A. During the CIP they added Muriatic Acid to help clean the membranes and now Skid B is performing better than Skid A.

3=Manual EFM backwashes are being done twice a week at the Filtration Plant.

4= Weekly mowing are being done at all water facilities.

5= On 4-6-2012 Tom was at Interstate Waste on Black Meadow Rd to watch the repair of their 8 inch service line. The contractor on the job was unable to locate the leak and the repair was rescheduled. I had Rich Winters from NY Rural Water to the side with leak detection equipment to help in locating the leak. On 4-26-2012 the leak was repaired.

6- On 4-18-2012 and 5-2 2012 the Highway Dept. delivered soil to a property off of Deer Run to cover a section of water main that was being uncovered by water runoff.

7= At the Whispering Hills Water tower an interior inspection was performed by LigiVision on April, 20 2012. During the inspection they found several locations in the tank that were rusting and cracked paint on the floor. The contractor JNP contacting has been put on notice and has responded back. I forwarded repair instructions I received from the paint manufacturer to JNP and MHE.

8= Water main flushing has been completed in the Village.

9= The Spring water bills have been sent out.

10= At this time there is no new information on the Walton Lake Dam, Free water users or the Property purchase at Walton Lake.

PARK& RECREATION: No report submitted.

OTHER BUSINESS:

Resolution Adopting a Local Law Amending Chapter 20 of the Village Code:

WHEREAS on this 2nd day of April, 2012, a proposed local law was introduced, being a proposed amendment to Chapter 20 Procurement Policy; and

WHEREAS a public hearing was held and closed on May 14, 2012,

NOW, THEREFORE, be it hereby

RESOLVED that the Village Board hereby adopts proposed Local Law #1 of 2012, entitled, Amendment to Chapter 20 Procurement Policy of the Village of Chester, which upon adoption, becomes Local Law No. 1 of 2012; and be it further

RESOLVED that the Village Clerk is hereby authorized to take all actions necessary to effectuate the same.

Introduced By: Trustee John J. Collins

Seconded By: Trustee Carole Duffy

On a vote of 5 to 0, the resolution was adopted.

Resolution Adopting Local Law Amending Chapter 98 of the Village Code:

WHEREAS on this 2nd day of April, 2012, a proposed local law was introduced, being a proposed amendment to Chapter 98 of the Village Code Zoning; and

WHEREAS a public hearing was held and closed on May 14, 2012,

NOW, THEREFORE, be it hereby

RESOLVED that the Village Board hereby adopts proposed Local Law #2 of 2012, entitled, Amendment to Chapter 98 of the Village Code Zoning, which upon adoption, becomes Local Law No. 2 of 2012; and be it further

RESOLVED that the Village Clerk is hereby authorized to take all actions necessary to effectuate the same.

Introduced By: Deputy Mayor Philip Roggia

Seconded By: Trustee Carole Duffy

On a vote of 5 to 0, the resolution was adopted.

Resolution Authorizing the Mayor to Enter into an Indemnification Agreement with BT Holdings, LLC; Authorizing the Village to Commence an Action Against the Town of Chester; and Authorizing the Village to Engage the Services of Norton & Christensen to Commence and Litigate the Action.

WHEREAS, on April 2, 2012, the Board of Trustees of the Village of Chester (the "Village Board"), on a vote of 3 to 2, ordered and determined that the annexation requested by the applicant, BT Holdings, LLC (the "Applicant") in its petition to the Village Board was approved as petitioned and that said annexation was, and is, in the over-all public interest; and

WHEREAS, the Town of Chester (the "Town") has denied the annexation as petitioned by the Applicant and found that the proposed annexation is not in the over-all public interest; and

WHEREAS, the General Municipal Law provides that, in the event that one or more, but not all, affected local governments shall determine that a proposed annexation is not in the over-all public interest, the governing board of any other affected local government may apply to the appellate division of the supreme court for adjudication and determination, on the law and facts, of the issue of whether the proposed annexation is in the over-all public interest; and

WHEREAS, the applicant has agreed to indemnify the Village of Chester (the "Village") for its fees and costs incurred in preparing, commencing, and litigating such an action commenced by the Village Board,

NOW, THEREFORE, be it hereby

RESOLVED, that the Mayor is hereby authorized to enter into an Indemnification Agreement, as stated above, with the Applicant, and in such form as approved by the Village Attorney for its costs and fees incurred in commencing and litigating an action, against the Town, for a determination, as provided for in the General Municipal Law, that the annexation petitioned for by the Applicant is in the over-all best interest of the public; and be it further

RESOLVED, that the Village of Chester authorizes the commencement of litigation against the Town for a determination, as provided for in the General Municipal Law, that the annexation petitioned for by the Applicant is in the over-all best interest of the public (and for such other and further relief as Counsel shall request); and be it further

RESOLVED that the Mayor of the Village of Chester be, and he hereby is, authorized and directed to retain the law firm of Norton & Christensen, as attorneys for the Village of Chester, in any action commenced by the Village against the Town for a determination, as provided for in the General Municipal Law, that the annexation petitioned for by the Applicant is in the over-all best interest of the public (and for such other and further relief as Counsel shall request).

Introduced By: Trustee Carole Duffy

Seconded By: Trustee John J. Collins

On a vote of 3 to 2, the resolution was adopted.

Resolution Authorizing the Sale of Real Property to Warehouse Outlet Buildings, Inc.

WHEREAS, pursuant to Village Law § 1-102(1), the Board of Trustees of the Village of Chester ("Village Board") is authorized to, among other things, sell real property owned by the Village; and

WHEREAS, the Village is the owner of certain real property within the Village identified immediately adjacent to the real property owned by Warehouse Outlet Buildings, Inc. ("Purchaser") located on Howland St (the "Property"); and

WHEREAS, the property is of no discernable benefit to the Village; and

WHEREAS, the Purchaser, has made an offer to purchase the Property for \$10,000; and

WHEREAS, the Village has determined that the sale of the property to the Purchaser is in the over-all public interest,

NOW, THEREFORE, be it hereby

RESOLVED, that the Village Board authorizes the sale of the Property to the Purchaser for the price of \$10,000, subject to a determination by the Village Street Commissioner that the Property is not otherwise required, by the Village's Street Department, for its use; and be it further

RESOLVED, that the Mayor, subject to the determination of the Village Street Commissioner as stated above, is authorized to execute and deliver such documents, in such forms as the Village Attorney shall approve, to effectuate said sale.

Introduced By: Trustee Betty-Jo Bono

Seconded By: Deputy Mayor Philip Roggia

On a vote of 5 to 0, the resolution was adopted.

CALENDAR:

- Senior movie night – May 17, 2012
- Kiwanis 5k walk/run – Saturday, May 26, 2012 8:45am – 9:30 am
- Village Clerk's office will be closed on May 28, 2012 (Memorial Day Holiday)
- Ceremonies will be at 11am at the Chester Fire house
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ADJOURN: A motion to adjourn the regular monthly meeting and enter into executive session was made by Trustee John J. Collins, second by Trustee Betty-Jo Bono. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera
Village Clerk